

Senate Bill No. 1491

CHAPTER 415

An act to amend Sections 5020, 5021, 5024, 5076, 5090, 5109, 5120, 5122, 6750, 6751, 6756, 6758, 6759, 6763, 6799, 7028.6, 7028.7, 7028.9, 7058.5, 7099.2, 7110, 7210.7, 7316, 7317, 7320.1, 7352, 7410, 8740, 8746, 8748, and 8805 of, and to repeal Section 5109.5 of, the Business and Professions Code, and to amend Sections 7054.6 and 8344 of, and to repeal Section 8340 of, the Health and Safety Code, relating to professions and vocations.

[Approved by Governor September 28, 2010. Filed with
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LEGISLATIVE COUNSEL'S DIGEST

SB 1491, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy. Existing law authorizes the board to appoint an administrative committee to provide advice and assistance relative to investigations of licensee misconduct. Existing law also authorizes the board to create and appoint other advisory committees consisting of public accountants or certified public accountants who need not be members of the board for the purpose of making recommendations to the board.

This bill would designate the administrative committee as the enforcement advisory committee. The bill would require these other advisory committees to consist solely of board members or to consist of board members and other persons who are not board members.

(2) Existing law provides for the licensure and regulation of professional engineers and professional land surveyors by the Board for Professional Engineers and Land Surveyors. Existing law authorizes the board to make arrangements with a public or private organization to conduct licensure examinations and to authorize the organization to receive examination fees directly from applicants.

This bill would provide that the fee to take an examination administered by a public or private organization may not be greater than actual cost of examination development and administration.

Existing law authorizes an applicant for certification as an engineer-in-training to sit for the first division of the licensing examination after he or she completes 3 or more years of college or university education in board-approved engineering curriculum or 3 or more years of board-approved experience.

This bill would allow an applicant for certification as an engineer-in-training to sit for the first division of the examination upon

completion of 3 years of engineering experience, postsecondary engineering education, or a combination of education and experience. The bill would make other conforming changes.

(3) Existing law provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law, based upon complaint or otherwise, authorizes the Registrar of Contractors to issue citations for violations of the licensure requirement within 4 years after the act or omission that is the basis for the citation.

This bill would require a citation to be issued within 4 years after the act or omission that is the basis for the citation or within 18 months after filing the complaint with the registrar, whichever is later.

Existing law prohibits a contractor from engaging in asbestos-related work, as specified, without passing an asbestos certification examination. Existing law requires the board to develop, and deliver to all applicants with the request for bond and fee, a booklet relating to the handling and disposal of asbestos, that includes an open book examination concerning asbestos-related work. Existing law requires all applicants for an initial contractor's license and specified applicants filing a delinquent renewal application to complete and sign the open book examination and to submit it to the board with the required renewal or bond and fee.

This bill would instead require the board to make that booklet available to all applicants, either on the board's Internet Web site or upon request in hard copy. The bill would require only applicants for initial licensure to complete the examination and to submit it to the board, as specified.

Under existing law, a willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action.

This bill would specify that a willful or deliberate disregard of the Subletting and Subcontracting Fair Practices Act also constitutes a cause for disciplinary action.

(4) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind that, among others things, licenses and regulates schools and instructors for the training of guide dogs for the blind and the instruction of blind persons in the use of guide dogs.

Under existing law, the board may authorize board-licensed schools or instructors employed by those schools to provide home training, as specified, in the use of guide dogs. Existing law requires schools desiring to provide home training to apply to the board and provide the board with specified information for conducting that home training subject to board approval. Existing law requires these schools to annually provide the board specified information about those persons receiving home training. Existing law also requires, except in cases of undue hardship, the guide dog user to complete a formal in-residence training program from a licensed or recognized school as a condition of receiving home training.

This bill would eliminate that approval process and other requirements, including the formal in-residence training program for guide dog users, and would instead authorize schools and instructors licensed by the board to

provide home training in the use of guide dogs. The bill would also require instructors to file annual reports with the board regarding persons receiving home training.

(5) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology.

Under existing law, nail care is a specialty branch within the practice of cosmetology and is the practice of, among other things, cutting, trimming, manicuring nails or massaging, cleansing, or beautifying the hands or feet of any person. Existing law permits metal instruments to be used for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

This bill would specify that nail care is also the practice of pedicuring nails or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person. The bill would also permit metal instruments to be used for the smoothing and massaging of the hands and feet.

Existing law makes it unlawful for any person to engage in barbering or cosmetology for compensation or to operate an establishment where barbering or cosmetology is practiced without a license and specifies that a violation of this requirement is a misdemeanor.

This bill would instead provide that a violation of that requirement is subject to an administrative fine and may be subject to a misdemeanor.

Existing law requires barbering and cosmetology establishments to provide specified handwashing facilities, including running water, soap, and approved sanitary towels.

This bill would instead require these establishments to provide running water, soap, and towels or air hand dryers.

Existing law authorizes the board to issue a notice of violation or a citation with an administrative fine to persons violating the act. Existing law authorizes these persons to appeal the citation and requires them or their appointed representative to appear in person before the disciplinary review committee.

This bill would eliminate that appearance requirement and instead authorize these persons or their appointed representative to appear in person before the disciplinary review committee.

(6) Existing law, the Cemetery Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, the registering and regulating of cremated remains disposers.

Existing law authorizes cremated remains to be removed in a durable container from the place of cremation or interment and kept in the dwelling owned or occupied by the person having the right to control disposition of the remains, or kept in a church or religious shrine if certain requirements are met, if the removal is under the authority of a permit for disposition of human remains. Under existing law, these disposition permits are required to include a description of the final place of disposition sufficient to identify the place and are issued by the local registrar. Existing law requires a

crematory to maintain a specified identification system and requires that after cremation an identifying disk, tab, or other permanent label be placed within the urn or cremated remains container before the cremated remains are released from the crematory.

This bill would authorize cremated remains to be kept in or on the real property owned or occupied by any person, with the permission of the person with the right to disposition of remains. The bill would also authorize a specified amount of cremated remains to be placed in a keepsake urn, as defined, and kept as authorized by the person or persons with the right to control disposition, provided that a disposition permit is issued by the local registrar for each keepsake urn and a specified permit fee is paid, and would exempt remains in the keepsake urn from specified identification system requirements. For all other urns, the bill would require the identifying disk, tab, or other permanent label to contain, among other things, the license number of the crematory. By establishing new duties on the local registrar, the bill would impose a state-mandated local program.

Existing law prohibits a crematory from conducting any business unless there is in the same fireproof building or structure or in a separate fireproof building within the same cemetery a specified columbarium, burial park, or mausoleum.

This bill would delete that prohibition.

(7) The bill would delete various obsolete provisions and make other clarifying and conforming changes.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 5020 of the Business and Professions Code is amended to read:

5020. The board may, for the purpose of obtaining technical expertise, appoint an enforcement advisory committee of not more than 13 licensees to provide advice and assistance related to the functions specified in Section 5103. The committee shall act only in an advisory capacity, shall have no authority to initiate any disciplinary action against a licensee, and shall only be authorized to report its findings from any investigation or hearing conducted pursuant to this section to the board, or upon direction of the board, to the executive officer.

SEC. 2. Section 5021 of the Business and Professions Code is amended to read:

5021. The members of the enforcement advisory and qualifications committees shall hold office for two years.

SEC. 3. Section 5024 of the Business and Professions Code is amended to read:

5024. The board may create and appoint advisory committees, consisting solely of board members or consisting of board members and other persons who are not board members, for the purpose of making recommendations on matters as may be specified by the board.

SEC. 4. Section 5076 of the Business and Professions Code is amended to read:

5076. (a) In order to renew its registration, a firm, as defined in Section 5035.1, shall have a peer review report of its accounting and auditing practice accepted by a board-recognized peer review program no less frequently than every three years.

(b) For purposes of this article, the following definitions apply:

(1) "Peer review" means a study, appraisal, or review conducted in accordance with professional standards of the professional work of a firm, and may include an evaluation of other factors in accordance with the requirements specified by the board in regulations. The peer review report shall be issued by an individual who has a valid and current license, certificate, or permit to practice public accountancy from this state or another state and is unaffiliated with the firm being reviewed.

(2) "Accounting and auditing practice" includes any services that are performed using professional standards defined by the board in regulations.

(c) The board shall adopt regulations as necessary to implement, interpret, and make specific the peer review requirements in this section, including, but not limited to, regulations specifying the requirements for board recognition of a peer review program, standards for administering a peer review, extensions of time for fulfilling the peer review requirement, exclusions from the peer review program, and document submission.

(d) The board shall adopt emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to establish policies, guidelines, and procedures as outlined in subdivision (c). The adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations, and shall be replaced in accordance with the Administrative Procedure Act.

(e) Nothing in this section shall prohibit the board from initiating an investigation and imposing discipline against a firm or licensee, either as the result of a complaint that alleges violations of statutes, rules, or regulations, or from information contained in a peer review report received by the board.

(f) A firm issued a substandard peer review report, as defined by the board in regulation, shall submit a copy of that report to the board. The board shall establish in regulation the time period that a firm must submit

the report to the board. This period shall not exceed 60 days from the time the report is accepted by a board-recognized peer review program provider to the date the report is submitted to the board.

(g) (1) A board-recognized peer review program provider shall file a copy with the board of all substandard peer review reports issued to California-licensed firms. The board shall establish in regulation the time period that a board-recognized peer review program provider shall file the report with the board. This period shall not exceed 60 days from the time the report is accepted by a board-recognized peer review program provider to the date the report is filed with the board. These reports may be filed with the board electronically.

(2) Nothing in this subdivision shall require a board-recognized peer review program provider, when administering peer reviews in another state, to violate the laws of that state.

(h) The board shall, by January 1, 2010, define a substandard peer review report in regulation.

(i) Any requirements imposed by a board-recognized peer review program on a firm in conjunction with the completion of a peer review shall be separate from, and in addition to, any action by the board pursuant to this section.

(j) Any report of a substandard peer review submitted to the board in conjunction with this section shall be collected for investigatory purposes.

(k) Nothing in this section affects the discovery or admissibility of evidence in a civil or criminal action.

(l) Nothing in this section requires any firm to become a member of any professional organization.

(m) A peer reviewer shall not disclose information concerning licensees or their clients obtained during a peer review, unless specifically authorized pursuant to this section, Section 5076.1, or regulations prescribed by the board.

(n) By January 1, 2013, the board shall provide the Legislature and Governor with a report regarding the peer review requirements of this section that includes, without limitation:

(1) The extent to which mandatory peer review of small firms or sole practitioners that prepare nondisclosure compiled financial statements on an other comprehensive basis of accounting enhances consumer protection.

(2) The impact of peer review required by this section on small firms and sole practitioners that prepare nondisclosure compiled financial statements on an other comprehensive basis of accounting.

(3) The impact of peer review required by this section on small businesses, nonprofit corporations, and other entities that utilize small firms or sole practitioners for the purposes of nondisclosure compiled financial statements prepared on an other comprehensive basis of accounting.

(o) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 5. Section 5090 of the Business and Professions Code is amended to read:

5090. An applicant for the certified public accountant license shall comply with the education, examination, and experience requirements in either Section 5092 or 5093.

SEC. 6. Section 5109 of the Business and Professions Code is amended to read:

5109. The expiration, cancellation, forfeiture, or suspension of a license, practice privilege, or other authority to practice public accountancy by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of or action or disciplinary proceeding against the licensee, or to render a decision suspending or revoking the license.

SEC. 7. Section 5109.5 of the Business and Professions Code is repealed.

SEC. 8. Section 5120 of the Business and Professions Code is amended to read:

5120. Any person who violates Article 3 (commencing with Section 5050) is guilty of a misdemeanor, punishable by imprisonment for not more than six months, or by a fine of not more than one thousand dollars (\$1,000), or both.

Whenever the board has reason to believe that any person is liable to punishment under this article, the board or with its approval the enforcement advisory committee, may certify the facts to the appropriate enforcement officer of the city or county where the alleged violation had taken place and the officer may cause appropriate proceedings to be brought.

SEC. 9. Section 5122 of the Business and Professions Code is amended to read:

5122. Whenever in the judgment of the board, or with its approval the enforcement advisory committee, any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, an offense against this chapter, the board may make application to the appropriate court for an order enjoining the acts or practices, and upon showing by the board that the person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or other order that may be appropriate shall be granted by the court.

SEC. 10. Section 6750 of the Business and Professions Code is amended to read:

6750. (a) An application for licensure as a professional engineer or certification as an engineer-in-training shall be made to the board on the prescribed form, with all statements made therein under oath, and shall be accompanied by the fee prescribed by this chapter. An application for licensure as a professional engineer shall specify, additionally, the branch of engineering in which the applicant desires licensure.

(b) The board may authorize an organization specified by the board pursuant to Section 6754 to receive directly from applicants payment of the

examination fees charged by that organization as payment for examination materials and services.

SEC. 11. Section 6751 of the Business and Professions Code is amended to read:

6751. (a) The applicant for certification as an engineer-in-training shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of registration under Section 480.

(2) Successfully pass the first division of the examination. The applicant shall be eligible to sit for the first division of the examination after satisfactory completion of three years or more of postsecondary engineering education, three years or more of engineering experience, or a combination of postsecondary education and experience in engineering totaling three years.

The board need not verify the applicant's eligibility other than to require the applicant to sign a statement of eligibility on the application form.

(b) The applicant for registration as a professional engineer shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of registration under Section 480.

(2) Furnish evidence of six years or more of qualifying experience in engineering work satisfactory to the board evidencing that the applicant is competent to practice the character of engineering in the branch for which he or she is applying for registration, and successfully pass the second division of the examination.

(3) The applicant for the second division of the examination shall successfully pass the first division examination or shall be exempt therefrom.

SEC. 12. Section 6756 of the Business and Professions Code is amended to read:

6756. (a) An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training. A renewal or other fee, other than the application and examination fees, may not be charged for this certification. The certificate shall become invalid when the holder has qualified as a professional engineer as provided in Section 6762.

(b) An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil, electrical, or mechanical engineering work, in his or her own right, or to use the titles specified in Sections 6732, 6736, and 6736.1.

(c) It is unlawful for anyone other than the holder of a valid engineer-in-training certificate issued under this chapter to use the title of "engineer-in-training" or any abbreviation of that title.

SEC. 13. Section 6758 of the Business and Professions Code is amended to read:

6758. An applicant failing in an examination may be examined again upon filing a new application and the payment of the fee fixed by this chapter.

SEC. 14. Section 6759 of the Business and Professions Code is amended to read:

6759. The board, upon application therefor, on its prescribed form, and the payment of the fee fixed by this chapter, may issue a certificate of registration as a professional engineer, without written examination, to any person holding a certificate of registration issued to him or her by any state or country when the applicant's qualifications meet the requirements of this chapter and rules established by the board. The board shall not require a comity applicant to meet any requirement not required of California applicants. For purposes of this section, equivalent second division examinations shall be eight-hour written examinations prepared by or administered by a state or territory either by single or combined branch at the level generally administered by the board to persons who passed or were exempted from the first division examination. Applicants who have passed an equivalent second division combined branch or a single branch examination in a branch not recognized for registration in California shall be registered in the branch in which their experience and education indicate the closest relationship.

SEC. 15. Section 6763 of the Business and Professions Code is amended to read:

6763. Application for authority to use the title "structural engineer," "soil engineer," "soils engineer," or "geotechnical engineer" shall be made to the board on forms prescribed by it and shall be accompanied by the fee fixed by this chapter.

An applicant for authority to use the title "structural engineer," "soil engineer," "soils engineer," or "geotechnical engineer" who has passed the examination prescribed by the board, or an applicant for authority to use the title "soil engineer," "soils engineer," or "geotechnical engineer" whose application is submitted prior to July 1, 1986, and who has otherwise demonstrated that he or she is qualified, shall have a certificate of authority issued to him or her.

For purposes of this chapter, an authority to use the title "structural engineer," "soil engineer," "soils engineer," or "geotechnical engineer" is an identification of competence and specialization in a subspecialty of civil engineering and necessitates education or experience in addition to that required for registration as a civil engineer.

SEC. 16. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for licensure as a professional engineer and each application for authority level designation at not more than four hundred dollars (\$400) and for each application for certification as an engineer-in-training at not more than one hundred dollars (\$100).

(b) The fee to take an examination administered by a public or private organization pursuant to Section 6754 shall be no greater than the actual cost of the development and administration of the examination and may be paid directly to the organization by the applicant.

(c) The temporary authorization fee for a professional engineer at not more than 25 percent of the application fee in effect on the date of application.

(d) The renewal fee for each branch of professional engineering in which licensure is held, and the renewal fee for each authority level designation held, at no more than the professional engineer application fee currently in effect.

(e) The fee for a retired license at not more than 50 percent of the professional engineer application fee in effect on the date of application.

(f) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.

(g) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee charged shall be no more than the costs incurred by the board.

(h) All other document fees are to be set by the board by rule.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 17. Section 7028.6 of the Business and Professions Code is amended to read:

7028.6. The Registrar of Contractors is hereby empowered to issue citations containing orders of abatement and civil penalties against persons acting in the capacity of or engaging in the business of a contractor within this state without having a license in good standing to so act or engage.

SEC. 18. Section 7028.7 of the Business and Professions Code is amended to read:

7028.7. (a) If upon inspection or investigation, either upon complaint or otherwise, the registrar has probable cause to believe that a person is acting in the capacity of or engaging in the business of a contractor or salesperson within this state without having a license or registration in good standing to so act or engage, and the person is not otherwise exempted from this chapter, the registrar shall issue a citation to that person.

(b) Within 72 hours of receiving notice that a public entity is intending to award, or has awarded, a contract to an unlicensed contractor, the registrar shall give written notice to the public entity that a citation may be issued if a contract is awarded to an unlicensed contractor. If after receiving the written notice from the registrar that the public entity has awarded or awards the contract to an unlicensed contractor, the registrar may issue a citation to the responsible officer or employee of the public entity as specified in Section 7028.15.

(c) Each citation shall be in writing and shall describe with particularity the basis of the citation. Notwithstanding Sections 125.9 and 148, each

citation shall contain an order of abatement and an assessment of a civil penalty in an amount not less than two hundred dollars (\$200) nor more than fifteen thousand dollars (\$15,000).

(d) With the approval of the Contractors' State License Board, the registrar shall prescribe procedures for the issuance of a citation under this section. The board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

(e) The sanctions authorized under this section shall be separate from, and in addition to, all other remedies either civil or criminal.

SEC. 19. Section 7028.9 of the Business and Professions Code is amended to read:

7028.9. A citation under Section 7028.7 shall be issued by the registrar within four years after the act or omission that is the basis for the citation or within 18 months after the date of the filing of the complaint with the registrar, whichever is later.

SEC. 20. Section 7058.5 of the Business and Professions Code is amended to read:

7058.5. (a) No contractor shall engage in asbestos-related work, as defined in Section 6501.8 of the Labor Code, that involves 100 square feet or more of surface area of asbestos containing materials, unless the qualifier for the license passes an asbestos certification examination. Additional updated asbestos certification examinations may be required based on new health and safety information. The decision on whether to require an updated certification examination shall be made by the Contractors State License Board, in consultation with the Division of Occupational Safety and Health in the Department of Industrial Relations and the Division of Environmental and Occupational Disease Control in the State Department of Public Health.

No asbestos certification examination shall be required for contractors involved with the installation, maintenance, and repair of asbestos cement pipe or sheets, vinyl asbestos floor materials, or asbestos bituminous or resinous materials.

"Asbestos," as used in this section, has the same meaning as defined in Section 6501.7 of the Labor Code.

(b) The Contractors State License Board shall make available to all applicants, either on the board's Internet Web site or, if requested, in hard copy, a booklet containing information relative to handling and disposal of asbestos, together with an open book examination concerning asbestos-related work. All applicants for an initial contractor license shall complete the open book examination and, prior to the issuance of a contractor's license, submit it to the board electronically or by mail if the applicant elects to use the hard-copy format.

SEC. 21. Section 7099.2 of the Business and Professions Code is amended to read:

7099.2. (a) The board shall promulgate regulations covering the assessment of civil penalties under this article that give due consideration to the appropriateness of the penalty with respect to the following factors:

- (1) The gravity of the violation.
- (2) The good faith of the licensee or applicant for licensure being charged.
- (3) The history of previous violations.

(b) Except as otherwise provided by this chapter, no civil penalty shall be assessed in an amount greater than five thousand dollars (\$5,000). Notwithstanding Section 125.9, a civil penalty not to exceed fifteen thousand dollars (\$15,000) may be assessed for a violation of Section 7114 or 7118.

SEC. 22. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of Section 8550 or 8556 of this code, or of Sections 1689.5 to 1689.15, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or of the Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code), or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action.

SEC. 23. Section 7210.7 of the Business and Professions Code is amended to read:

7210.7. Schools and instructors licensed by the board may provide home training in the use of guide dogs.

Schools and instructors providing home training in the use of guide dogs shall, annually, provide the board with the names and addresses of those persons who are receiving home training and shall include those persons who have received home training from the school or instructor subsequent to the last report filed with the board.

SEC. 24. Section 7316 of the Business and Professions Code is amended to read:

7316. (a) The practice of barbering is all or any combination of the following practices:

- (1) Shaving or trimming the beard or cutting the hair.
- (2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
- (3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.
- (4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
- (5) Hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling.

(b) The practice of cosmetology is all or any combination of the following practices:

- (1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing,

bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.

(2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.

(6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.

(c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.

(1) Skin care is any one or more of the following practices:

(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.

(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(2) Nail care is the practice of cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

(d) The practice of barbering and the practice of cosmetology do not include any of the following:

(1) The mere sale, fitting, or styling of wigs or hairpieces.

(2) Natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include haircutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(3) Threading. Threading is a technique that results in removing hair by twisting thread around unwanted hair and pulling it from the skin and the incidental trimming of eyebrow hair.

(e) Notwithstanding paragraph (2) of subdivision (d), a person who engages in natural hairstyling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined

within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

(f) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by the use of an electric needle only.

“Electrolysis” as used in this chapter includes electrolysis or thermolysis.

SEC. 25. Section 7317 of the Business and Professions Code is amended to read:

7317. Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

SEC. 26. Section 7320.1 of the Business and Professions Code is amended to read:

7320.1. When providing a manicure or pedicure, no metal instruments shall be used except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles or for the smoothing and massaging of the hands and feet.

SEC. 27. Section 7352 of the Business and Professions Code is amended to read:

7352. Every establishment shall provide adequate and convenient handwashing facilities, including running water, soap, and towels or air hand dryers.

SEC. 28. Section 7410 of the Business and Professions Code is amended to read:

7410. Persons to whom a notice of violation or a citation is issued and an administrative fine assessed may appeal the citation to a disciplinary review committee established by the board. All appeals shall be submitted in writing to the program within 30 days of the date the citation was issued. Appeals of citations that are not submitted in a timely manner shall be rejected.

After a timely appeal has been filed with the program, the administrative fine, if any, shall be stayed until the appeal has been adjudicated.

Persons appealing a citation, or their appointed representatives, may appear in person before the disciplinary review committee. The appellant may present written or oral evidence relating to the facts and circumstances relating to the citation that was issued. Following an appeal to a disciplinary review committee, the disciplinary review committee shall issue a decision, based on findings of fact, which may affirm, reduce, dismiss, or alter any charges filed in the citation. In no event shall the administrative fine be

increased. The appellant shall be provided with a written copy of the disciplinary review committee's decision relating to the appeal.

SEC. 29. Section 8740 of the Business and Professions Code is amended to read:

8740. (a) An application for each division of the examination for a license as a land surveyor shall be made to the board on the form prescribed by it, with all statements therein made under oath, and shall be accompanied by the fee fixed by this chapter.

(b) The board may authorize an organization specified by the board pursuant to Section 8745 to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.

SEC. 30. Section 8746 of the Business and Professions Code is amended to read:

8746. An applicant failing an examination may be examined again upon filing a new application and the payment of the fee fixed by the board.

SEC. 31. Section 8748 of the Business and Professions Code is amended to read:

8748. The board, upon application therefor, and the payment of the fee fixed by this chapter, may issue a land surveyor's license, without written examination, to any person who holds a valid land surveyor's license issued to him or her by any state or country when the applicant's qualifications meet the requirements of this chapter and rules established by the board.

SEC. 32. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for licensure as a land surveyor at not more than four hundred dollars (\$400) and for each application for certification as a land surveyor-in-training (LSIT) at not more than one hundred dollars (\$100).

(b) The fees to take an examination administered by a public or private organization pursuant to Section 8754 shall be no greater than the actual cost of the development and administration of the examination and may be paid directly to the organization by the applicant.

(c) The renewal fee for a land surveyor at not more than the application fee.

(d) The fee for a retired license at not more than 50 percent of the professional land surveyor application fee in effect on the date of application.

(e) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.

(f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee shall be no more than the costs incurred by the board.

(g) All other document fees are to be set by the board by rule.

SEC. 33. Section 7054.6 of the Health and Safety Code is amended to read:

7054.6. (a) Except as provided in subdivision (b), cremated remains may be removed in a durable container from the place of cremation or interment and kept in or on the real property owned or occupied by a person described in Section 7100 or any other person, with the permission of the person with the right to disposition, or the durable container holding the cremated remains may be kept in a church or religious shrine, if written permission of the church or religious shrine is obtained and there is no conflict with local use permit requirements or zoning laws, if the removal is under the authority of a permit for disposition granted under Section 103060. The placement, in any place, of six or more cremated remains under this section does not constitute the place a cemetery, as defined in Section 7003.

(b) Notwithstanding any other provision of law, cremated remains may be placed in one or more keepsake urns. Keepsake urns shall be kept as authorized by the person or persons with the right to control disposition pursuant to Section 7100, provided that a permit for disposition of human remains pursuant to Section 103060 is issued by the local registrar for each keepsake urn designating the home address of each person receiving a keepsake urn and a permit fee pursuant to Section 103065 is paid. No keepsake urn shall be subject to Section 8345. For purposes of this section, a keepsake urn shall mean a closed durable container that will accommodate an amount of cremated remains not to exceed one cubic centimeter.

(c) Prior to disposition of cremated remains, every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) or Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee or registrant shall do all of the following:

(1) Remove the cremated remains from the place of cremation in a durable container.

(2) Keep the cremated remains in a durable container.

(3) Store the cremated remains in a place free from exposure to the elements.

(4) Responsibly maintain the cremated remains.

SEC. 34. Section 8340 of the Health and Safety Code is repealed.

SEC. 35. Section 8344 of the Health and Safety Code is amended to read:

8344. A crematory shall maintain an identification system allowing identification of each decedent beginning from the time the crematory accepts delivery of human remains until the point at which it releases the cremated remains to a third party. After cremation, an identifying disk, tab, or other permanent label shall be placed within the urn or cremated remains container before the cremated remains are released from the crematory. Each identification disk, tab, or label shall contain the license number of the crematory and shall have a unique number that shall be recorded on all paperwork regarding the decedent's case and in the crematory log. Each

crematory shall maintain a written procedure for identification of remains. The identification requirements pertaining to an identifying disk, tab, or other label to be placed within the urn or cremated remains container shall not apply to cremated remains placed in a keepsake urn pursuant to subdivision (b) of Section 7054.6 if space does not permit.

On or after March 1, 1994, any crematory that fails, when requested by an official of the bureau to produce a written procedure for identification of remains, shall have 15 working days from the time of the request to produce an identification procedure for review by the chief of the Cemetery and Funeral Bureau. The license of the crematory shall be suspended pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no identification procedure is produced for review after 15 working days have elapsed.

SEC. 36. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.